



### REMARKS

The Examiner has required restriction in the above-identified application.

Specifically, election of one of the following groups is required:

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Group I: Claim 3, drawn to a HeLa-S3 cell comprising tumor specific replication-incompetent adenovirus vector having a mutation in E1a, classified in class 435, subclass 320.1.

Group II: Claim 4, drawn to a HeLa-S3 cell line comprising tumor specific replication-incompetent adenovirus vector having a mutation in E1b, classified in class 435, subclass 320.1.

Group III: Claims 5-17 and 19, drawn to a HeLa-S3 cell line comprising replication adenovirus vector comprising a heterologous transcriptional regulatory element (TRE) operably linked to the E1 region and a heterologous sequence of GM-CSF, classified in class 435, subclass 320.1

Group IV: Claim 20, drawn to a method for a replication-competent adenovirus using a HeLa-S3 cell comprising a replication-competent adenovirus having E1a or E1b mutation, classified in class 435, subclass 91.4.

Group V: Claims 21-26, drawn to a method for producing a replication-competent adenovirus, wherein said adenovirus comprising a TRE operably linked to the adenovirus early



region and a heterologous coding sequence for GM-CSF, classified in class 435, subclass 69.1.

Responsive to the Restriction/Election of Species Requirement dated November 17, 2005, Applicants elect, Group III, Claims 5-17 and 19, with traverse, for further prosecution at this time. With respect to the species election, Applicants elect the E2F responsive promoter and E1a, also with traverse.

Applicants traverse the restriction with respect to Group III and Group V. Group V is directed to a method for producing the replication-competent adenoviral vector of Group III, not specifically a method of use. Thus, there is no undue burden for the Examiner to search the composition and method, for a reference disclosing the composition would undoubtedly also disclose a method for producing the same. Applicants further submit that the invention need not be limited to the species of the E2F responsive TRE or the E1a gene.

Accordingly, Applicants request that Group III, Claims 5-17 and 19, and Group V, Claims 21-26 be combined for substantive prosecution. Applicants further submit that the full scope of TREs and adenoviral genes essential for replication recited in Claims 5 and 6 constitute a single invention.

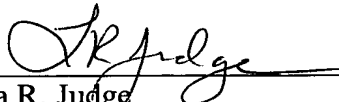


### CONCLUSION

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants counsel, Linda R. Judge at (415) 836-2586.

Respectfully submitted,

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